



LITTLES FAMILY NEWS

(07) 3871 5555
Level 2, Lantos Place
80 Stamford Rd
Indooroopilly QLD 4069
family@littleslawyers.com



www.littleslawyers.com

OCTOBER 2010

LITTLES LAWYERS

At Littles Lawyers we understand the emotional and financial stress involved in family law disputes. Accordingly, we take a practical approach to family law and aim to conclude matters as quickly as possible. This approach minimises costs and reduces stress.

In this issue:

- Financial Agreements and You
- Children's Matters
- Protecting Yourself From Domestic Violence
- Your Will
- Calabro Family Law Residential 2010
- Name Changes Post Separation

OUR NEW CITY OFFICE

We have recently opened a new office in Brisbane's CBD. Whilst this office primarily handles personal injury work, it is our hope that it will assist all of our clients by providing an additional venue for

FINANCIAL AGREEMENTS

How Do I Protect My Assets for My Children?

Financial Agreements are written agreements, which comply with **Part VIIIA** or **Part VIIIB** of the **Family Law Act 1975**. Financial Agreements can be entered into at the commencement of, during or after a relationship. The parties to these agreements can be married couples, de facto partners and same sex de facto partners. There are several different types of Financial Agreement and they can be tailored to suit your particular needs. The most common forms of financial agreements are:

- 1) Those that cover how property and financial resources are to be divided in the event of a future relationship breakdown; and
- 2) Those that cover how property and financial resources are to be divided following a relationship breakdown (commonly known as post-nuptial or separation agreements);

Financial Agreements may be useful for people who are anticipating a second marriage and wish to isolate a portion of their financial resources for the benefit of their children from a previous relationship and preserve these resources from a future claim.

Financial Agreements can give you control of your financial arrangements and avoid expense and uncertainty in the event of a future separation.

CHILDREN'S MATTERS

Do you need parenting orders in relation to the Christmas School Holiday Period?

URGENT: The national filing **deadline** for parenting order applications for the Christmas period is **4.00pm 12 November**

PROTECTING YOURSELF FROM DOMESTIC VIOLENCE

Domestic violence includes physical, sexual, emotional or psychological abuse.

The term "domestic violence" applies to certain types of relationships. The individuals involved must be:

- spouses or former spouses;
- de facto or former de facto partners;
- girlfriend and boyfriend or former girlfriend and boyfriend;
- in a parent-child relationship; or
- family members.

The information contained in this document is of a general nature only and is not legal advice. Please contact our office for individual advice in relation to your matter. We accept no responsibility for any loss or damage caused to any person acting in reliance on this document.



Jillian Little
Associate Director



Rebekah Jones
Senior Solicitor



Lily Cosgrove
Solicitor

If you are experiencing domestic violence, you can apply to the court for a Domestic Violence Order. The application can be made by:

- anyone over the age of 18;
- a parent, guardian or child welfare officer on behalf of a child;
- a police officer on behalf of any child or adult.

In most cases, an application for a Domestic Violence Order can be made in person at the Magistrates Court.

It is necessary to prove either that the person has already committed an act of violence against you and is likely to do so again, or that the person is likely to act in a way that could make you fear they will commit an act of abuse.

The court will consider:

- acts of violence, assault or injury to the person;
- property damage;
- injury to pets;
- kidnapping;
- threats;
- intimidation,
- offensive or emotionally abusive behaviour; and
- stalking.

The court can impose whatever measures it thinks are necessary to protect people from violent behaviour.

YOUR WILL

It is very important for all people over 18 to have a current Will. Even

if you think you have no assets worth worrying about, you could cause your family or friends undue difficulties by dying intestate (without a Will). There may be entitlements that accrue upon your death such as a death benefit or life insurance with your superannuation.

Are you aware of how your changed circumstances might have affected your Will?

It is recommended that you review your Will every three to five years to ensure that it still reflects your wishes. It may be necessary to change your Will if any of the following occur:

- Marriage, divorce or separation
- Commencement of de facto relationship
- Birth of children or grandchildren
- Death of an executor or beneficiary
- Change in financial circumstances

Your Will is revoked or cancelled if you get married (unless the Will is made in contemplation of the marriage). Divorce does not revoke a Will but it cancels any provision in favour of the former spouse.

NAME CHANGES POST-SEPARATION

Name changes post-separation can often cause conflict between parents. Names are sometimes an important part of personal and cultural identity. What happens to a child's name after separation of the parents?

Sometimes a separated mother will revert to the use of her maiden name. If she later remarries, she may decide



Aleisha Meier
Trainee Solicitor



Lachlan Donaldson
Solicitor



Kamila Fus
Administrator

to assume her new husband's surname. If she has children by that relationship they are likely to use their father's surname.

It is quite common to find a family where Mum and Dad and their child have one surname, and mum's children by her first marriage have a different surname. In some cases Mum wants those children to use her or her new husband's surname.

The Family Court has established some principles about this situation. Of significance is the principle that a parent cannot simply make this decision without the other parent's approval. The second is that the Court will look at whether a change of name is that the Court will look at whether a change of name is in the best interests of the child.

The court will consider:

- The potential effect of a name change on the relationship between the child and the parent whose name the child will lose;
- Confusion the child may suffer;
- Advantages and disadvantages of a change;
- The effect of a change on the child and other people involved;
- Embarrassment which a child may suffer if his or her name is different from that of the rest of the household;
- The relationship and identification between the father and the child;
- If the child is mature enough, the child's wishes;
- The father's wishes; and
- The child's identification with his or her mother and father, step-father or

step-mother and step-siblings.

CALABRO FAMILY LAW RESIDENTIAL 2010

The Littles Lawyers Family Law Department attended the 25th Annual Calabro Family Law Residential on Friday 13th and Saturday 14th of August 2010.

Jillian Little, Rebekah Jones, Lachlan Donaldson and Lily Cosgrove enjoyed a learning-intensive weekend away at the Royal Pines Resort on the Gold Coast.

The seminars covered many topics including; the valuation of businesses and shares in property settlements, tax and duty considerations for property settlements, recent case updates and the impact of shared parenting arrangements on children and parents.

The 2 day conference was highlighted by a masquerade ball on Friday night where the Family Law team enjoyed the networking opportunities and a twirl on the dance floor.

INITIAL CONSULTATION

Take advantage of our initial hour consultation for \$140 + GST.

LINKS

- [Littles Family Law Department](#)
- [Family Court Judgments and Publications](#)
- [Family Court Judgments \(Austlii\)](#)
- [Child Support Agency](#)
- [Child Support Agency Online Estimate](#)